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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,813	05/14/2001	Michael J. Kobb	22407 - 05443	1543

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EXAMINER	
BOCCIO, VINCENT F	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/855,813	KOBB, MICHAEL J.	
	Examiner	Art Unit	
	Vincent F. Boccio	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-4,7,9-12 and 15-21 is/are rejected.

7)☒ Claim(s) 5,6,13,14,22 and 23 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 1/3/02.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

   (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 8-9, 12, 15, 16, 17-18, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6141,488).

Regarding claim 1, Knudson discloses and meets the limitations associated with a method and associated apparatus for recording data, comprising:

- establishing a scheduled start time (Fig. 2, EPG) to start recording the data, the recording starting at a time prior (such as Fig. 5, CH4 starts at 2:59, while the EPG would indicate 3:00, 1 minute prior), to the

scheduled start time (met by either Prior art Fig. 4 or Knudson Fig. 5); and

Knudson anticipates playback of recorded data but, fails to disclose from the beginning playing the recorded data starting with the data recorded at the scheduled start time.

Since the claims are comprising, the examiner takes official notice that it is well known, that user can provide a time parameter to search for a starting point to reproduce from, as is well known to those skilled in the art, allowing for a user specified starting points for reproduction.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Knudson by incorporating a user input means to dictate a start of reproduction time, therefore, obvious the user can select 3:00, based on the scheduled start time, thereby allowing and providing a means to a user to select, a start time as desired using a time parameters, as is obvious to those skilled in the art.

Regarding claim 2, Knudson fails to particularly disclose, a replay function.

The examiner takes official notice that upon a reproduction operation, it is known that user's can have a replay function, which replays a portion prior to the point at any given time, therefore, it would have been an obvious to those skilled in the art at the time of the invention to modify Knudson by providing a replay feature to allow for replay at any given point, therefore, would allow for replay prior to the beginning scheduled start time or point chosen by the user, including the scheduled time, as is obvious to those skilled in the art.

Regarding claim 3, Knudson fails to disclose a random access medium.

The examiner takes official notice that random access media is well known, therefore, it would have been obvious to those skilled the art to modify Knudson by substituting or providing a random access type recording medium and system, allowing for faster access to various points as compared to a sequential type as Knudson proves a VCR being a sequential type, as is obvious to those skilled in the art.

Regarding claim 4, Knudson fails to disclose displaying a counter indicating a time base for the recorded data.

The examiner takes official notice that providing the recited a time base displayed is well known in the art, therefore, it would have been obvious to those skilled in the art to display a time base, thereby indicting to a user the relative position of playback, as is well known in the art.

Claims 8-9, 12 are analyzed and discussed with respect to the claims above, wherein the recorder obviously can be random access, therefore, being a digital recorder of a random access type, wherein the system can be a digital video recorder system or apparatus, as is obvious to those skilled in the art.

Claim 15 is analyzed and discussed with respect to the claims above, wherein since an EPG is disclosed on Fig. 2 of Knudson therefore, anticipated that the scheduled start time is set with respect to channel guide data, wherein the system pushes back the start time to record prior to.

Regarding claim 16, Knudson fails to disclose having for example user criteria or preferences from a user to perform automatic program selections for recording.

The examiner takes official notice that having a user profile and selecting program for automatic selection and recording is well known in the art, therefore, it would have been obvious to those skilled in the art to modify Knudson by providing a means for a user profile to facility.

Claims 17-18 and 21, have been analyzed and discussed with respect to the claims above, but, claim 17-21, further recites computer program on a medium facilitating the method, wherein Knudson fails to particularly disclose.

The examiner takes official notice that hardware and software are obvious over each other, it would have been obvious to one skilled in the art at the time of the invention to modify Knudson by implementing the system with software to facilitate the method, as hardware is obvious over software and software is obvious over hardware implementations, wherein each one can have their own known advantages, software being easily modifiable, wherein hardware is known to be faster, therefore, considered to be a design choice to those skilled in the art, to facilitate the method with software such as on a general purpose computer platform or other CPU software platform, as is obvious to those skilled in the art.

Claims 7, 10-11, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6141,488) in view of Wehmeyer et al. (US 5,682,206).

Claims 7, 10-11 and 19-20 have been analyzed and discussed above, but, the Knudson as applied fails to disclose a user interface for user selectable, being a graphical indication that the times are selected.

Wehmeyer teaches in Fig. 3, providing a user interface allowing a user to adjust the tart and end times of an event, as desired, therefore, it would have been obvious to those skilled in the art to incorporate the GUI interface, allowing the user selectable event times beginning and end and extend as desired.

Conclusion

If the system has the capability upon a reproduction command without any other user input, that the system would automatically start at the scheduled time for playback, even though the recording was extended, this feature amended to the independent claims would overcome the art applied and aware of and searched for, by the primary examiner.

Allowable Subject Matter

1. Claims {5, 13, 22}, {6, 14, 23} are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to tech, disclose or suggest, claims 5, 13 & 22, wherein even though, the beginning of recording was extended, the recited counter counting elapse time from the scheduled rather than the beginning, is not known in the art.

Claims 6, 14 & 23, the prior art also fails to disclose, when a recording has been extended from the beginning to provide a counter that counts recorded data between the record start and scheduled start time as negative time.

Contact Fax Information

Any response to this action should be faxed to:

(703) 872-9306, (for communication intended for entry)

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
6/12/05